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Crime prevention and criminal justice

Report of the Third Committee

Rapporteur: Mr. Carlos Enrique **García González** (El Salvador)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its fifty-ninth session the item entitled "Crime prevention and criminal justice" and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 6th to 9th, 13th, 14th, 18th, 29th, 37th, 44th and 45th meetings, on 8, 11, 12, 14, 15, 19, and 28 October and on 4, 16 and 17 November 2004. At its 6th to 9th meetings, on 8, 11 and 12 October, the Committee held a general discussion on item 96 jointly with item 97. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/59/SR.6-9, 13, 14, 18, 29, 37, 44 and 45).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Relevant chapters of the report of the Economic and Social Council for 2004;[1]

(b) Report of the Secretary-General on preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice (A/59/123-E/2004/90);

(c) Report of the Secretary-General on the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (A/59/175);

(d) Report of the Secretary-General on strengthening international cooperation and technical assistance in preventing and combating terrorism (A/59/187);

[1] A/59/3; for the final text, see *Official Records of the General Assembly, Fifty-ninth Session, Supplement No. 3* (A/59/3/Rev.1).

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(e) Report of the Secretary-General on preventing and combating corrupt practices and transfer of funds of illicit origin and returning such assets to the countries of origin (A/59/203 and Add.1);

(f) Report of the Secretary-General on international cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (A/59/204);

(g) Report of the Secretary-General on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity (A/59/205);

(h) Note by the Secretary-General transmitting the report of the High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption, held in Merida, Mexico, from 9 to 11 December 2003 (A/59/77);

(i) Letter dated 22 September 2004 from the Minister for Foreign Affairs and Worship of Costa Rica addressed to the United Nations addressed to the Secretary-General on the proposed establishment of a post of United Nations High Commissioner on Terrorism (A/59/383-S/2004/758).

4. At the 6th meeting, on 8 October, the Executive Director of the United Nations Office on Drugs and Crime made an introductory statement (see A/C.3/59/SR.6).

5. At the same meeting, the Committee engaged in a question-and-answer session with the Executive Director in which the representatives of Senegal, the Netherlands (on behalf of the States Members of the United Nations that are members of the European Union), Yemen, China, the Sudan, Sri Lanka, Cuba, India, the Bolivarian Republic of Venezuela, Azerbaijan and Austria took part (see A/C.3/59/SR.6).

II. Consideration of proposals

A. Draft resolution A/C.3/59/L.3

6. By its resolution 2004/17 of 21 July 2004, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice". The draft resolution was reproduced in document A/C.3/59/L.3.

7. At the 13th meeting, on 14 October, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/59/SR.13).

8. At the same meeting, the Committee adopted draft resolution A/C.3/59/L.3 without a vote (see para. 39, draft resolution I).

B. Draft resolution A/C.3/59/L.4

9. By its resolution 2004/18 of 21 July 2004, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Assistance to least developed countries to ensure their participation in the sessions of the Commission on Crime Prevention and Criminal Justice and the sessions of

conferences of States parties". The draft resolution was reproduced in document A/C.3/59/L.4.

10. At its 13th meeting, on 14 October, the Committee was advised that the draft resolution had no programme budget implications (see A/C.3/59/SR.13).

11. At the same meeting, the Committee adopted draft resolution A/C.3/59/L.4 without a vote (see para. 39, draft resolution II).

C. Draft resolution A/C.3/59/L.5

12. By its resolution 2004/19 of 21 July 2004, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime". The draft resolution was reproduced in document A/C.3/59/L.5.

13. At the 13th meeting, on 14 October, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/59/SR.13).

14. At the same meeting, the Committee adopted draft resolution A/C.3/59/L.5 without a vote (see para. 39, draft resolution III).

D. Draft resolution A/C.3/59/L.6

15. By its resolution 2004/20 of 21 July 2004, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims". The draft resolution was reproduced in document A/C.3/59/L.6.

16. At the 13th meeting, on 14 October, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/59/SR.13).

17. At the same meeting, the Committee adopted draft resolution A/C.3/59/L.6 without a vote (see para. 39, draft resolution IV).

E. Draft resolution A/C.3/59/L.7

18. By its resolution 2004/21 of 21 July 2004, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Action against corruption: assistance to States in capacity-building with a view to facilitating the entry into force and subsequent implementation of the United Nations Convention against Corruption". The draft resolution was reproduced in document A/C.3/59/L.7.

19. At the 13th meeting, on 14 October, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/59/SR.13).

20. At the same meeting, the Committee adopted draft resolution A/C.3/59/L.7 without a vote (see para. 39, draft resolution V).

F. Draft resolution A/C.3/59/L.8

21. By its resolution 2004/22 of 21 July 2004, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Preventing, combating and punishing trafficking in human organs". The draft resolution was reproduced in document A/C.3/59/L.8.

22. At the 13th meeting, on 14 October, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/59/SR.13).

23. At the same meeting, the Committee adopted draft resolution A/C.3/59/L.8 without a vote (see para. 39, draft resolution VI).

G. Draft resolution A/C.3/59/L.9

24. By its resolution 2004/23 of 21 July 2004, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto". The draft resolution was reproduced in document A/C.3/59/L.9.

25. At the 13th meeting, on 14 October, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution (see A/C.3/59/SR.13).

26. At the same meeting, the Committee adopted draft resolution A/C.3/59/L.9 without a vote (see para. 39, draft resolution VII).

H. Draft resolution A/C.3/59/L.20

27. At the 18th meeting, on 19 October, the representative of the United States of America introduced a draft resolution entitled "International law enforcement assistance network for combating the criminal misuse of information technologies" (A/C.3/59/L.20), which read:

"*The General Assembly*,

"*Recalling* its resolutions 58/199 of 23 December 2003 on the creation of a global culture of cybersecurity and the protection of critical information infrastructures, 57/239 of 20 December 2002 on the creation of a global culture of cybersecurity and 55/63 of 4 December 2000 and 56/121 of 19 December 2001 on establishing the legal basis for combating the criminal misuse of information technologies,

"*Noting* the work of the delegates to the World Summit on the Information Society, specifically the attention paid in both the Declaration of

Principles and the Plan of Action to fostering the goal of building confidence and security in the use of information technologies,

"*Welcoming* the efforts of such regional bodies as Asia-Pacific Economic Cooperation, the Organization of American States, the Organization for Economic Cooperation and Development and the Council of Europe, to foster cross-border cooperation in cases of electronic crime or in other cases in which digital evidence must be collected and shared collaboratively across national borders,

"*Recalling* the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, at which Member States specifically committed themselves 'to working towards enhancing our ability to prevent, investigate and prosecute high-technology and computer-related crime',

"*Aware* that increasing interconnectivity carries risks as well as benefits, including the proliferation of criminal misuse of information technologies and computer or network-based crimes,

"*Recognizing* the global nature of the problems created by malicious computer code, including worms and viruses, such as the risks to critical information infrastructures from increasingly frequent and rapidly spreading attacks,

"*Realizing* that efforts to respond to and remediate the effects of misuse and crime, including worms and viruses, must include cooperation at the local, national, regional and international levels,

"*Noting* that inherently fragile and transitory evidence of crimes is stored in digital media every day and that today's law enforcement officers must act instantly to preserve and acquire such evidence through lawfully authorized processes,

"*Recognizing* the efforts of the 24/7 Cybercrime Point of Contact Network, originally created by the Group of Eight, and now comprising thirty-eight international members, at promoting rapid, efficient and reliable cooperation to preserve, acquire and transfer digital evidence to fight crime occurring in cyberspace,

"*Noting* that countries representing every region of the world now participate in the Network,

"1. *Takes note* of the value of the measures set forth in its resolution 55/63, and again invites Member States to take them into account in their efforts to combat the criminal misuse of information technologies;

"2. *Encourages* all Member States not already partners in the 24/7 Cybercrime Point of Contact Network to consider taking the necessary steps to participate in this cooperative effort."

28. At the 44th meeting, on 16 November, following a statement by the representative of the United States, the draft resolution was withdrawn (see A/C.3/59/SR.44).

I. Draft resolution A/C.3/59/L.21

29. At the 14th meeting, on 15 October, the representative of Ethiopia, on behalf of the States Members of the United Nations that are members of the Group of African States, introduced a draft resolution entitled "United Nations African Institute for the Prevention of Crime and the Treatment of Offenders" (A/C.3/59/L.21).

30. At its 29th meeting, on 28 October, the Committee was advised that the draft resolution had no programme budget implications (see A/C.3/59/SR.29).

31. At the same meeting, Qatar joined in sponsoring the draft resolution.

32. Also at the 29th meeting, the Committee adopted draft resolution A/C.3/59/L.21 without a vote (see para. 39, draft resolution VIII).

J. Draft resolution A/C.3/59/L.22 and Rev.1

33. At the 18th meeting, on 19 October, the representative of Italy, on behalf of Argentina, Austria, Belarus, Belgium, Bulgaria, Colombia, Croatia, Cuba, Cyprus, the Czech Republic, Denmark, El Salvador, Estonia, Finland, France, Germany, Greece, Hungary, Ireland, Italy, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, the Netherlands, Norway, Peru, Poland, Portugal, Romania, the Russian Federation, San Marino, Slovakia, Slovenia, Spain, Sweden, Thailand, the former Yugoslav Republic of Macedonia, Turkey and the United Kingdom of Great Britain and Northern Ireland, introduced a draft resolution entitled "Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity" (A/C.3/59/L.22), which read:

"*The General Assembly*,

"*Recalling* its resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme, in which it approved the statement of principles and programme of action annexed to that resolution,

"*Recalling also* its resolution 58/140 of 22 December 2003 on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity,

"*Bearing in mind* the United Nations Millennium Declaration, as well as the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century, and the plans of action for its implementation,

"*Emphasizing* the role of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, respect for human rights and the rule of law, and promotion of the highest standards of fairness, humanity and professional conduct,

"*Recognizing* that action against global crime is a common and shared responsibility,

"*Convinced* of the desirability of closer coordination and cooperation among States in combating crime in all its forms and manifestations, including

activities carried out for the purpose of furthering terrorism, and bearing in mind the role that is played by both the United Nations and regional organizations in this respect,

"*Recognizing* existing efforts at the regional level that complement the work of the United Nations Crime Prevention and Criminal Justice Programme in combating the smuggling of migrants and trafficking in persons, especially women and children, and noting in this context the ongoing work of the Bali and Puebla Processes,

"*Looking forward* to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok in 2005, which will provide an important opportunity to exchange views and experiences and to identify emerging trends and issues in the field of crime prevention and criminal justice,

"*Recalling* the entry into force in 2003 of the United Nations Convention against Transnational Organized Crime (Palermo Convention) and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,

"*Welcoming* the entry into force in 2004 of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,

"*Recalling* its resolution 55/255 of 31 May 2001, by which it adopted the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,

"*Welcoming* the opening for signature, at the High-level Political Conference, held at Merida, Mexico, in December 2003, of the United Nations Convention against Corruption,

"*Bearing in mind* Economic and Social Council resolutions 2004/23 of 21 July 2004 on international cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and 2004/21 of 21 July 2004 on action against corruption: assistant to States in capacity-building with a view to facilitating the entry into force and subsequent implementation of the United Nations Convention against Corruption,

"*Bearing in mind also* Economic and Social Council resolution 2004/19 of 21 July 2004 on strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime,

"*Recalling* Economic and Social Council resolutions 2004/25 of 21 July 2004 on the rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction, 2004/32 of 21 July 2004 on implementation of technical assistance projects in Africa by the United

Nations Office on Drugs and Crime and 2004/33 of 21 July 2004 on strengthening the technical cooperation capacity of the Crime Prevention and Criminal Justice Programme of the United Nations Office on Drugs and Crime,

"*Acknowledging* the role of United Nations standards and norms in crime prevention and criminal justice and their development, as reflected in Economic and Social Council resolution 2004/28 of 21 July 2004,

"*Recognizing* the need to maintain a balance in the technical cooperation capacity of the United Nations Office on Drugs and Crime between all priorities identified by the General Assembly and the Economic and Social Council,

"*Recalling* Economic and Social Council resolution 2003/25 of 22 July 2003 on international cooperation, technical assistance and advisory services in crime prevention and criminal justice,

"*Recalling also* its relevant resolutions, in which it requested the Secretary-General, as a matter of urgency, to provide the United Nations Crime Prevention and Criminal Justice Programme with sufficient resources for the full implementation of its mandate, in conformity with the high priority attached to the Programme,

"*Aware* of the continued increase in requests for technical assistance forwarded to the United Nations Office on Drugs and Crime by least developed countries, developing countries, countries with economies in transition and countries emerging from conflict,

"*Appreciating* the funding provided by certain Member States in 2002 and 2003 that has permitted the United Nations Office on Drugs and Crime to enhance its capacity to execute an increased number of projects in the field of crime prevention and criminal justice, as well as the funding provided by certain Member States in the same years to the United Nations Interregional Crime and Justice Research Institute and institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other relevant bodies,

"1. *Takes note with appreciation* of the report of the Secretary-General on the progress made in the implementation of General Assembly resolution 58/140;

"2. *Reaffirms* the importance of the United Nations Crime Prevention and Criminal Justice Programme in promoting effective action to strengthen international cooperation in crime prevention and criminal justice, in responding to the needs of the international community in the face of both national and transnational criminality and in assisting Member States in achieving the goals of preventing crime within and among States and improving the response to crime;

"3. *Reiterates its appreciation* of the work of the Commission on Crime Prevention and Criminal Justice to coordinate international cooperation efforts, in particular with regard to the mainstreaming of a gender perspective into its activities;

"4. *Reaffirms* the importance of the work of the United Nations Office on Drugs and Crime in the fulfilment of its mandate in crime prevention and criminal justice, including to prevent and combat terrorism, in particular in strengthening international cooperation and providing technical assistance, upon request, which complements the work of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism;

"5. *Reaffirms also* the role of the United Nations Office on Drugs and Crime in providing to Member States, upon request, technical cooperation, advisory services and other forms of assistance in the field of crime prevention and criminal justice, including in the areas of prevention and control of transnational organized crime, corruption and terrorism as well as in the area of reconstruction of national criminal justice systems;

"6. *Recognizes* the progress made in the implementation of the global programmes addressing the trafficking in human beings, corruption, organized crime and terrorism, formulated on the basis of close consultations with Member States and review by the Commission on Crime Prevention and Criminal Justice, and calls upon the Secretary-General to enhance further the visibility of those programmes and to strengthen the United Nations Office on Drugs and Crime by providing it with the resources necessary for the full implementation of its mandate in crime prevention and criminal justice, including the preparation by the United Nations Office on Drugs and Crime, in cooperation with the United Nations Interregional Crime and Justice Research Institute and institutes of the United Nations Crime Prevention and Criminal Justice Programme network, of an updated publication on world crime trends;

"7. *Supports* the high priority given to technical cooperation and advisory services in the field of crime prevention and criminal justice, including in the areas of prevention and control of transnational organized crime, corruption and terrorism, and stresses the need to enhance the operational activities of the United Nations Office on Drugs and Crime to assist, in particular, developing countries, countries with economies in transition and countries emerging from conflict;

"8. *Urges* States and relevant international organizations to develop national, regional and international strategies and other necessary measures which complement the work of the United Nations Crime Prevention and Criminal Justice Programme in addressing effectively the significant problems posed by the smuggling of migrants and trafficking in persons and related activities;

"9. *Invites* all States to support the operational activities of the United Nations Crime Prevention and Criminal Justice Programme, through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund, or through voluntary contributions in direct support of such activities, including for the provision of technical assistance for the implementation of the commitments entered into at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, including the measures outlined in the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century;

"10. *Also invites* all States to support, through voluntary contributions, the activities carried on by the United Nations Interregional Crime and Justice Research Institute and institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other relevant bodies;

"11. *Encourages* relevant programmes, funds and organizations of the United Nations system, in particular the United Nations Development Programme, international financial institutions, in particular the World Bank, and regional and national funding agencies, to support the technical operational activities of the United Nations Office on Drugs and Crime in the field of crime prevention and criminal justice;

"12. *Urges* States and funding agencies to review, as appropriate, their funding policies for development assistance and to include a crime prevention and criminal justice component in such assistance;

"13. *Welcomes* the efforts undertaken by the Commission on Crime Prevention and Criminal Justice to exercise more vigorously its mandated function of resource mobilization, and calls upon the Commission to strengthen further its activities in this direction, in accordance also with Economic and Social Council resolution 2003/31 of 22 July 2003 on the functioning of the Commission;

"14. *Notes with appreciation* the outcome of the senior-level discussion during the thirteenth session of the Commission on Crime Prevention and Criminal Justice on progress made with regard to the criminal justice aspects of terrorism and international conventions and protocols related to terrorism;

"15. *Expresses its appreciation* to non-governmental organizations and other relevant sectors of civil society for their support to the United Nations Crime Prevention and Criminal Justice Programme;

"16. *Invites* relevant entities of the United Nations system, including the United Nations Development Programme and the World Bank, and other international funding agencies to increase further their interaction with the United Nations Office on Drugs and Crime in order to benefit from synergies and avoid duplication of effort, and to ensure that, as appropriate, activities on crime prevention and criminal justice, including activities related to the prevention of corruption, are considered in their sustainable development agenda and that the expertise of the Office in activities related to crime prevention and criminal justice, including activities related to the prevention of corruption and the promotion of the rule of law, is fully utilized;

"17. *Requests* the Secretary-General to take all necessary measures to provide adequate support to the Commission on Crime Prevention and Criminal Justice, as the principal policy-making body in this field, in performing its activities, including cooperation and coordination with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other relevant bodies;

"18. *Urges* all States and regional economic organizations that have not yet done so to ratify or accede to the United Nations Convention against Transnational Organized Crime (Palermo Convention) and the Protocols supplementing the Convention;

"19. *Emphasizes* the importance of the expeditious entry into force of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime;

"20. *Welcomes* the voluntary contributions already made, and encourages States to make adequate and regular voluntary contributions for the implementation of the Convention and the Protocols thereto, through the United Nations funding mechanism specifically designed for that purpose in the Convention or in direct support of implementation activities and initiatives;

"21. *Urges* all States and competent regional economic integration organizations that have not yet done so to sign, ratify or accede to the United Nations Convention against Corruption as soon as possible;

"22. *Requests* the Secretary-General to take all necessary measures and provide adequate support to the United Nations Office on Drugs and Crime so as to enable it to promote the speedy entry into force of the United Nations Convention against Corruption;

"23. *Encourages* States to make adequate and regular voluntary contributions for the entry into force of the United Nations Convention against Corruption, through the United Nations funding mechanism specifically designed for that purpose in the Convention or in direct support of implementation activities and initiatives;

"24. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixtieth session."

34. At its 37th meeting, on 4 November, the Committee had before it a revised draft resolution (A/C.3/59/L.22/Rev.1) submitted by Albania, Andorra, Armenia, Australia, Bangladesh, Bosnia and Herzegovina, Botswana, Burkina Faso, Canada, Chile, China, Costa Rica, the Democratic Republic of the Congo, the Dominican Republic, Ecuador, Eritrea, the Gambia, Ghana, Guatemala, Iceland, Israel, Jamaica, Japan, Kazakhstan, Kenya, Kyrgyzstan, Madagascar, Mauritius, Mongolia, Namibia, New Zealand, Nicaragua, Nigeria, Panama, the Philippines, the Republic of Korea, the Republic of Moldova, Serbia and Montenegro, Sierra Leone, South Africa, Switzerland, Ukraine, Uruguay, the Bolivarian Republic of Venezuela, Viet Nam, Zambia and Zimbabwe. Subsequently, Angola, Bolivia, Djibouti, Egypt, Guinea, Honduras, Malawi, Somalia, the Sudan, Uganda and the United Republic of Tanzania joined in sponsoring the draft resolution.

35. At the same meeting, the Committee was advised that the draft resolution had no programme budget implications (see A/C.3/59/SR.37).

36. Also at the 37th meeting, the Committee adopted draft resolution A/C.3/59/L.22/Rev.1 without a vote (see para. 39, draft resolution IX).

37. After the adoption of the draft resolution, the representative of Colombia made a statement (see A/C.3/59/SR.37).

K. Draft decision proposed by the Chairman

38. At its 45th meeting, on 17 November, on the proposal of the Chairman, the Committee decided to recommend to the General Assembly that it take note of the following reports (see para. 40):

(a) Report of the Secretary-General on preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice (A/59/123-E/2004/90);

(b) Report of the Secretary-General on strengthening international cooperation and technical assistance in preventing and combating terrorism (A/59/187);

(c) Report of the Secretary-General on preventing and combating corrupt practices and transfer of funds of illicit origin and returning such assets to the countries of origin (A/59/203 and Add.1);

(d) Report of the Secretary-General on international cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (A/59/204);

(e) Note by the Secretary-General transmitting the report of the High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption, held in Merida, Mexico, from 9 to 11 December 2003 (A/59/77).

At the same meeting, the representative of the United States made a statement (see A/C.3/59/SR.45).

III. Recommendations of the Third Committee

39. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice

The General Assembly,

Recalling its resolution 56/119 of 19 December 2001 on the role, function, periodicity and duration of the United Nations congresses on the prevention of crime and the treatment of offenders, in which it stipulated the guidelines in accordance with which, beginning in 2005, the congresses, pursuant to paragraphs 29 and 30 of the statement of principles and programme of action of the United Nations Crime Prevention and Criminal Justice Programme,[1] should be held,

Recalling also its resolution 57/170 of 18 December 2002 on the follow-up to the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[2]

Recalling further its resolution 57/171 of 18 December 2002, in which it decided that the main theme of the Eleventh Congress should be "Synergies and responses: strategic alliances in crime prevention and criminal justice",

Recalling its resolution 58/138 of 22 December 2003, in which it requested the Commission on Crime Prevention and Criminal Justice to accord sufficient time at its thirteenth session to reviewing the progress made in the preparations for the Eleventh Congress, to finalize in good time all the necessary organizational and substantive arrangements and to make its final recommendations, through the Economic and Social Council, to the General Assembly,

Recognizing the significant contributions of the congresses in promoting the exchange of experience in research, law and policy development and the identification of emerging trends and issues in crime prevention and criminal justice among States, intergovernmental and non-governmental organizations and individual experts representing various professions and disciplines,

Recognizing also the efforts already made by the Government of Thailand to prepare for the hosting of the Eleventh Congress in Bangkok from 18 to 25 April 2005,

Stressing the importance of undertaking all the preparatory activities for the Eleventh Congress in a timely and concerted manner,

1. *Takes note with appreciation* of the report of the Secretary-General on the preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice;[3]

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[1] General Assembly resolution 46/152, annex.
[2] General Assembly resolution 56/261, annex.
[3] E/CN.15/2004/11.

2. *Also takes note with appreciation* of the discussion guide[4] prepared by the Secretary-General, in cooperation with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, for the regional preparatory meetings for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice;

3. *Acknowledges* the relevance of the regional preparatory meetings, which have examined the substantive items of the agenda and the workshop topics of the Eleventh Congress and made action-oriented recommendations[5] to serve as a basis for the draft declaration to be adopted by the Eleventh Congress;

4. *Requests* the Commission on Crime Prevention and Criminal Justice to begin preparation of a draft declaration at intersessional meetings to be held following its thirteenth session, for submission to the Eleventh Congress at least one month prior to its commencement, taking into account the recommendations of the regional preparatory meetings;

5. *Approves* the draft programme of work for the Eleventh Congress and the documentation relating thereto;

6. *Reiterates* its decision, contained in its resolution 58/138 of 22 December 2003, that the high-level segment of the Eleventh Congress shall be held during the last three days of the Congress in order to allow heads of State or Government or government ministers to focus on the main substantive agenda items of the Congress;

7. *Emphasizes* the importance of the workshops to be held during the Eleventh Congress, and invites Member States, intergovernmental and non-governmental organizations and other relevant entities to provide financial, organizational and technical support to the United Nations Office on Drugs and Crime and to the institutes of the United Nations Crime Prevention and Criminal Justice Programme network for the preparations for the workshops, including the preparation and circulation of relevant background material;

8. *Invites* donor countries to cooperate with developing countries to ensure their full participation in the workshops, and encourages States, other entities concerned and the Secretary-General to work together in order to ensure that the workshops focus on the respective issues and achieve practical results, leading to technical cooperation ideas, projects and documents related to enhancing bilateral and multilateral efforts in technical assistance activities in crime prevention and criminal justice;

9. *Reiterates* its invitation to Governments and relevant intergovernmental and non-governmental organizations to inform the Eleventh Congress about their activities aimed at putting into practice the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[2] with a view to providing guidance in the formulation of legislation, policies and programmes in the field of crime prevention and criminal justice at the national and international levels, and, to that end, requests the

[4] A/CONF.203/PM.1 and Corr.1.

[5] A/CONF.203/RPM.1/1, A/CONF.203/RPM.2/1, A/CONF.203/RPM.3/1 and Corr.1 and A/CONF.203/RPM.4/1.

Secretary-General to compile that information and to prepare a report on the subject to be submitted to the Eleventh Congress for consideration;

10. *Reiterates* its request to the Secretary-General to make available the resources necessary to ensure the participation of the least developed countries in the Eleventh Congress, in accordance with past practice;

11. *Encourages* Governments to make preparations for the Eleventh Congress at an early stage by all appropriate means, including, where appropriate, the establishment of national preparatory committees, with a view to contributing to a focused and productive discussion on the topics and to participating actively in the organization and conduct of the workshops, the submission of national position papers on the various substantive items of the agenda and the encouragement of contributions from the academic community and relevant scientific institutions;

12. *Reiterates* its invitation to Member States to be represented at the Eleventh Congress at the highest possible level, for example by heads of State or Government or government ministers and attorneys general, and to participate actively in the high-level segment;

13. *Requests* the Secretary-General to facilitate the organization of ancillary meetings of non-governmental and professional organizations participating in the Eleventh Congress, in accordance with past practice, as well as meetings of professional and geographical interest groups, and to take appropriate measures to encourage the participation of the academic and research community in the Congress;

14. *Encourages* the relevant specialized agencies and programmes of the United Nations system and intergovernmental and non-governmental organizations, as well as other professional organizations, to cooperate with the United Nations Office on Drugs and Crime in the preparations for the Eleventh Congress;

15. *Requests* the Secretary-General to ensure, in collaboration with Member States, a wide and effective programme of public information relating to the preparations for the Eleventh Congress, to the Congress itself and to the follow-up to and implementation of its recommendations;

16. *Welcomes* the appointment, by the Secretary-General of the United Nations, of a Secretary-General and an Executive Secretary of the Eleventh Congress, to perform their functions under the rules of procedure for United Nations congresses on crime prevention and criminal justice;

17. *Requests* the Secretary-General to prepare an overview of the state of crime and criminal justice worldwide for presentation at the Eleventh Congress, in accordance with past practice;

18. *Calls upon* the Eleventh Congress to formulate concrete proposals for further follow-up and action, paying particular attention to practical arrangements relating to the effective implementation of the international legal instruments pertaining to transnational organized crime, terrorism and corruption and technical assistance activities relating thereto;

19. *Requests* the Commission on Crime Prevention and Criminal Justice at its fourteenth session to give high priority to considering the conclusions and recommendations of the Eleventh Congress, with a view to recommending, through

the Economic and Social Council, appropriate follow-up by the General Assembly at its sixtieth session;

20. *Requests* the Secretary-General to ensure proper follow-up to the present resolution and to report thereon, through the Commission on Crime Prevention and Criminal Justice, to the General Assembly at its sixtieth session.

Draft resolution II
Assistance to least developed countries to ensure their participation in the sessions of the Commission on Crime Prevention and Criminal Justice and the sessions of conferences of States parties

The General Assembly,

Recalling its resolution 55/2 of 8 September 2000, by which it adopted the United Nations Millennium Declaration, and in particular paragraph 15 of the Millennium Declaration, in which the heads of State and Government undertook to address the special needs of the least developed countries,

Recalling also its resolution 58/228 of 23 December 2003, in particular paragraph 9 thereof, in which it requested the Secretary-General to take appropriate measures, within existing resources and with the full participation of the regional commissions and relevant United Nations bodies, to support the participation of the least developed countries in international meetings, as well as in their preparation and consultation processes,

Stressing the need for the effective and timely ratification of the United Nations conventions and protocols relating to transnational organized crime, corruption and terrorism and their subsequent implementation,

Recognizing the critical significance of those instruments, which provide a legal framework for strengthening international cooperation, based on mutual commitments by the least developed countries and their development partners to undertake specific action to ensure the full implementation of the provisions of the instruments,

Welcoming the contributions already made by multilateral and bilateral donors to ensure the participation of representatives of least developed countries in the negotiation of the United Nations Convention against Transnational Organized Crime[1] and the Protocols thereto,[2] as well as the United Nations Convention against Corruption,[3]

Emphasizing the importance of the effective participation of all relevant stakeholders from the least developed countries, developing countries and countries with economies in transition in the sessions of the Commission on Crime Prevention and Criminal Justice and in the sessions of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption,

1. *Calls upon* Member States, international organizations and funding institutions to redouble their efforts to increase their voluntary contributions to assist the Secretary-General in covering the cost of travel and daily subsistence allowance for the participation of representatives of least developed countries in the sessions of the Commission on Crime Prevention and Criminal Justice and in the sessions of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the

[1] General Assembly resolutions 55/25, annexes I.
[2] General Assembly resolutions 55/25, annexes II and III, and 55/255, annex.
[3] General Assembly resolution 58/4, annex.

United Nations Convention against Corruption, and requests the Executive Director of the United Nations Office on Drugs and Crime to intensify efforts to ensure the increased participation of representatives of least developed countries in those meetings;

2. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourteenth session on the implementation of the present resolution.

Draft resolution III
Strengthening international cooperation and technical assistance in promoting the implementation of the universal conventions and protocols related to terrorism within the framework of the activities of the United Nations Office on Drugs and Crime

The General Assembly,

Recalling its relevant resolutions on the prevention and suppression of terrorism, as well as Security Council resolutions 1269 (1999) of 19 October 1999, 1373 (2001) of 28 September 2001, 1377 (2001) of 12 November 2001 and 1456 (2003) of 20 January 2003,

Recalling also its resolutions 56/1 of 12 September 2001, in which it strongly condemned the heinous acts of terrorism of 11 September 2001 and urgently called for international cooperation to prevent and eradicate acts of terrorism, and 57/27 of 19 November 2002, in which it also condemned those in Bali and Moscow, as well as Security Council resolutions 1450 (2002) of 13 December 2002, 1465 (2003) of 13 February 2003, 1516 (2003) of 20 November 2003 and 1530 (2004) of 11 March 2004, condemning in the strongest terms the bomb attacks in Kikambala, Kenya; Bogota; Istanbul, Turkey; and Madrid, respectively, and expressing its deepest sympathy and condolences to the victims of terrorist attacks and their families,

Condemning the acts of violence perpetrated in many parts of the world against humanitarian personnel and United Nations and associated personnel, in particular deliberate attacks, which are in violation of international humanitarian law as well as other international law that may be applicable, such as the attack against the headquarters of the United Nations Assistance Mission for Iraq in Baghdad on 19 August 2003,

Recalling its resolutions 58/136 and 58/140 of 22 December 2003, in which it, inter alia, encouraged the activities of the United Nations Office on Drugs and Crime within its mandates in the area of preventing terrorism by providing Member States, upon request, with technical assistance, specifically to implement the universal conventions and protocols relating to terrorism, thereby strengthening international cooperation in preventing and combating terrorism, working in close coordination with the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism and the Office of Legal Affairs of the Secretariat, as well as with international, regional and subregional organizations and specialized agencies,

Mindful of its resolution 58/81 of 9 December 2003, in which it welcomed the efforts of the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime to enhance, through its mandate, the capabilities of the United Nations in the prevention of terrorism, and recognized, in the context of Security Council resolution 1373 (2001), the role of the Branch in assisting States to become parties to and implement the relevant international conventions and protocols related to terrorism,

Recalling Security Council resolution 1535 (2004) of 26 March 2004 concerning enhancement of the ability of the Counter-Terrorism Committee to monitor the implementation of Council resolution 1373 (2001),

Recalling also the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[1] which emanated from the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held in Vienna from 10 to 17 April 2000,

Noting with appreciation the issuance, in all the official languages of the United Nations, of the *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*,[2] which was reviewed by an expert group hosted by the International Institute of Higher Studies in Criminal Sciences in Siracusa, Italy,

Noting also with appreciation the guidelines for technical assistance within the framework of international cooperation against terrorism, which were formulated and reviewed during an expert group meeting held in Cape Town, South Africa, from 24 to 27 February 2004,

Deeply concerned that acts of international terrorism continue to be perpetrated, endangering the lives and well-being of individuals worldwide, as well as the peace and security of all States,

Reaffirming its unequivocal condemnation of terrorism in all its forms and manifestations, wherever and by whomsoever committed, in accordance with the principles of the Charter of the United Nations, international law and the relevant international conventions,

Recalling that Member States must ensure that any measures taken to combat terrorism comply with all their obligations under international law and that such measures are adopted in accordance with international law, in particular international human rights, refugee and humanitarian law,

Mindful of the essential need to strengthen international, regional and subregional cooperation aimed at enhancing the national capacity of States to prevent and suppress effectively international terrorism in all its forms and manifestations,

1. *Commends* the United Nations Office on Drugs and Crime for its work in preventing and combating terrorism through the provision of technical assistance, in close consultation with the Counter-Terrorism Committee, for the implementation of Security Council resolution 1373 (2001), in particular for the promotion of the ratification of, accession to and implementation of the universal conventions and protocols relating to terrorism;

2. *Also commends* the efforts of the United Nations Office on Drugs and Crime to reinforce close cooperation with international, regional and subregional organizations, such as the Council of Europe, the International Monetary Fund, the Organization of American States, the Organization for Security and Cooperation in Europe and the World Bank, and the Counter-Terrorism Committee in preventing and combating terrorism, an example of which was the meeting held in follow up to the United Nations Counter-Terrorism Committee special meeting of 6 March 2003, with participants from international, regional and subregional organizations, organized by the Organization for Security and Cooperation in Europe, in close cooperation

[1] General Assembly resolution 55/59, annex.

[2] United Nations publication, Sales No. E.04.V.7.

with the United Nations Office on Drugs and Crime, in Vienna on 11 and 12 March 2004, which resulted in the Vienna Declaration of 12 March 2004;[3]

3. *Welcomes* the regional and subregional workshops held in Antalya, Turkey, and in Bamako, Khartoum, London, San José and Vilnius to familiarize national experts and criminal justice officials with the requirements of Security Council resolution 1373 (2001) and the requirements for becoming parties to and implementing the universal conventions and protocols relating to terrorism and international cooperation agreements, and encourages the Terrorism Prevention Branch of the United Nations Office on Drugs and Crime, in coordination with the Counter-Terrorism Committee and subject to the availability of extrabudgetary resources, to ensure proper follow-up to those workshops, in cases where such follow-up is indicated by the participating States;

4. *Calls upon* Member States that have not yet done so to become parties to and to implement the universal conventions and protocols relating to terrorism as soon as possible and, where appropriate, to request assistance to that end from the United Nations Office on Drugs and Crime, in coordination with the Counter-Terrorism Committee;

5. *Invites* Member States that are not yet parties to those instruments to make use of the *Legislative Guide to the Universal Anti-Terrorism Conventions and Protocols*[2] in their efforts to incorporate the provisions of those instruments in their national legislation, and requests the Secretariat, subject to the availability of extrabudgetary resources, to develop the Legislative Guide further as a tool for the provision of technical assistance aimed at the implementation of the universal conventions and protocols relating to terrorism;

6. *Requests* the Secretariat to submit the guidelines for technical assistance that were formulated and reviewed during the expert group meeting held in Cape Town, South Africa, from 24 to 27 February 2004 to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice for discussion, with a view to consideration of the guidelines by the Commission on Crime Prevention and Criminal Justice at its subsequent session;

7. *Requests* the United Nations Office on Drugs and Crime to continue to work with international organizations, in particular specialized agencies and other relevant United Nations entities that undertake work that is complementary to that of the Office, in order to enhance synergies;

8. *Urges* Member States to continue working together, including on a regional and bilateral basis and in close cooperation with the United Nations, to prevent and combat acts of terrorism by strengthening international cooperation and technical assistance within the framework of Security Council resolutions 1373 (2001), 1377 (2001) and 1456 (2003), as well as the universal conventions and protocols relating to terrorism, Council resolutions 1267 (1999) of 15 October 1999, 1333 (2000) of 19 December 2000, 1390 (2002) of 16 January 2002, 1455 (2003) of 17 January 2003, 1526 (2004) of 30 January 2004 and 1535 (2004) and other relevant United Nations resolutions, and in accordance with the Charter of the United Nations and international law;

[3] S/2004/276, annex.

9. *Invites* Member States to examine ways and means to reinforce international cooperation in criminal justice matters pertaining to terrorism prevention during the Eleventh United Nations Congress on Crime Prevention and Criminal Justice with a view to enhancing global efforts in the fight against terrorism;

10. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to intensify its efforts to provide technical assistance, upon request, in preventing and combating terrorism through the implementation of the universal conventions and protocols relating to terrorism, with particular emphasis on the need to coordinate its work with the Counter-Terrorism Committee and its Executive Directorate, including training judicial and prosecutorial personnel, where appropriate, in the proper implementation of the universal conventions and protocols relating to terrorism;

11. *Also requests* the United Nations Office on Drugs and Crime to pursue an integrated, synergistic approach in the delivery of technical assistance to requesting States, taking into account the links that exist between terrorism and other forms of crime;

12. *Expresses its appreciation* to donor countries that have supported the Global Programme against Terrorism, through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund or the United Nations Crime Prevention and Criminal Justice Programme network, and invites all Member States to make voluntary contributions to the Fund in order to allow the United Nations Office on Drugs and Crime to provide technical assistance to requesting Member States;

13. *Calls upon* Member States to strengthen, to the greatest extent possible, international cooperation in order to combat terrorism, including, when necessary, entering into bilateral treaties on extradition and mutual legal assistance;

14. *Recognizes* the need for the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to provide Member States, upon request, and in coordination with the Counter-Terrorism Committee, with technical assistance to strengthen international cooperation, including in international, national, regional and subregional forums, in terrorism-related criminal justice matters in the framework of the universal conventions and protocols and the relevant Security Council resolutions relating to terrorism;

15. *Requests* the Secretary-General to convene, subject to the availability of extrabudgetary resources, an expert workshop, taking into account the need for adequate and equitable geographical representation and open to any Member State wishing to participate as an observer, to examine and analyse problems encountered by criminal justice practitioners in affording mutual legal assistance and granting extradition for terrorist offences, with a view to identifying proven and promising practices and possible ways of facilitating international cooperation, taking into account information that Member States may wish to provide;

16. *Also requests* the Secretary-General to report to the General Assembly at its sixtieth session on the implementation of the present resolution.

Draft resolution IV
International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims

The General Assembly,

Concerned at the increase in the practice of kidnapping in various countries of the world and at the harmful effects of that crime on victims and their families, and determined to support measures to assist and protect them and to promote their recovery,

Reiterating that the kidnapping of persons under any circumstances and for any purpose constitutes a serious crime and a violation of individual freedom and undermines human rights,

Noting the transnational nature of organized crime and the tendency of organized criminal groups and terrorist groups to expand their illegal operations,

Concerned at the growing tendency of organized criminal groups and terrorist groups to resort to kidnapping, especially for the purpose of extortion, as a method of accumulating capital with a view to consolidating their criminal operations and undertaking other illegal activities, such as trafficking in firearms and drugs, money-laundering and crimes related to terrorism,

Convinced that the links between various illegal activities, including terrorism, and organized crime pose an additional threat to security and the quality of life, hindering economic and social development,

Convinced also that the United Nations Convention against Transnational Organized Crime[1] provides the legal framework necessary for international cooperation in the fight against kidnapping,

Recalling Economic and Social Council resolution 2003/28 of 22 July 2003, entitled "International cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims", in which the Council requested the Secretary-General, drawing on extrabudgetary funds or voluntary contributions, to provide technical assistance to States, upon request, to enable them to strengthen their capacity to combat kidnapping, and to submit a progress report on that topic to the Commission on Crime Prevention and Criminal Justice at its thirteenth session,

1. *Vigorously condemns and rejects once again* the practice of kidnapping, under any circumstances and for any purpose, especially when it is carried out by organized criminal groups and terrorist groups;

2. *Reiterates* that organized criminal groups and terrorist groups, as well as all perpetrators, are responsible for any harm or death that may result from a kidnapping for which they are responsible and should be punished accordingly;

3. *Takes note with appreciation* of the report of the Secretary-General on international cooperation in the prevention, combating and elimination of kidnapping and in providing assistance to victims[2] and of the recommendations

[1] General Assembly resolution 55/25, annex I.

[2] E/CN.15/2004/7 and Add.1.

presented therein, submitted pursuant to Economic and Social Council resolutions 2002/16 of 24 July 2002 and 2003/28;

4. *Encourages* Member States to continue to foster international cooperation, especially extradition, mutual legal assistance, collaboration between law enforcement authorities and exchange of information, with a view to preventing, combating and eradicating kidnapping;

5. *Calls upon* Member States that have not yet done so, in furtherance of the fight against kidnapping, to strengthen their measures against money-laundering and to engage in international cooperation and mutual assistance in, inter alia, the tracing, detection, freezing and confiscation of proceeds of kidnapping in order to combat organized criminal groups and terrorist groups;

6. *Urges* Member States that have not yet done so to pay special attention to the considerable psychological, social and economic damage associated with kidnapping by adopting legislative, administrative or any other measures to provide appropriate support and assistance to victims and their families;

7. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to prepare a handbook, for use by competent authorities, of proven and promising practices in the fight against kidnapping, including:

(a) Measures to prevent the crime of kidnapping that are directed at potential victims;

(b) Preventive measures aimed at disbanding organized criminal groups and terrorist groups;

(c) Cooperation or strategic alliances with the private sector;

(d) Response to and management of crises;

(e) Identification of the minimum elements that would help States to make adjustments to their domestic legislation with a view to having a common understanding of the crime of kidnapping, which would also help to ascertain reliable trends from a global perspective;

(f) Development of specialized measures for providing support and assistance to victims and their families;

(g) Information on national authorities responsible for preventing and combating kidnapping;

(h) Reporting procedures, rescue operations, information systems and prosecutions;

8. *Also requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to provide technical assistance to States, upon request, to enable them to strengthen their capacity to combat kidnapping, including:

(a) Training of judges, prosecutors and other law enforcement officials in mechanisms for disbanding criminal organizations and in the use of special investigative techniques for the rescue of kidnapped persons, bearing in mind the particular need to safeguard and protect the victims;

(b) Review of trends and greater understanding of the problem in order to create a basis for developing policies and strategies against kidnapping.

Draft resolution V
Action against corruption: assistance to States in capacity-building with a view to facilitating the entry into force and subsequent implementation of the United Nations Convention against Corruption

The General Assembly,

Deeply concerned about the impact of corruption on the political, social and economic stability and development of societies,

Bearing in mind that the prevention and combating of corruption is a common and shared responsibility of the international community, necessitating cooperation at the bilateral and multilateral levels,

Bearing in mind also that the prevention and eradication of corruption is a responsibility of all States and that they must cooperate with one another, with the support and involvement of individuals and groups outside the public sector, such as civil society, non-governmental organizations and community-based organizations, if their efforts to prevent and combat corruption are to be effective,

Reaffirming its support and commitment to the goals of the United Nations in the field of crime prevention and criminal justice, in particular the objectives set forth in the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[1]

Recalling its resolution 58/4 of 31 October 2003, in which it adopted the United Nations Convention against Corruption and urged all States and competent regional economic organizations to sign and ratify it,

Noting with appreciation the High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption, held in Merida, Mexico, in December 2003,

Noting also with appreciation the initiative of those States which have pledged financial contributions to the United Nations Crime Prevention and Criminal Justice Fund in order to enable developing countries and countries with economies in transition to initiate measures to implement the Convention,

1. *Welcomes* the signing of the United Nations Convention against Corruption[2] by a large number of Member States, which reflects the high level of commitment on the part of the international community to the purpose of the Convention;

2. *Urges* Member States to consider signing and ratifying the United Nations Convention against Corruption as soon as possible, in order to allow its early entry into force and subsequent implementation;

3. *Encourages* Member States to make adequate voluntary contributions, where appropriate, to the United Nations Crime Prevention and Criminal Justice Fund to provide developing countries and countries with economies in transition with the technical assistance they may require to implement the Convention,

[1] General Assembly resolution 55/59, annex.
[2] General Assembly resolution 58/4, annex.

including assistance for the preparatory measures required for implementation, taking into account article 62 of the Convention;

4. *Requests* the Secretary-General to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the entry into force and implementation of the Convention, inter alia, through the provision of assistance to developing countries and countries with economies in transition for building capacity in the areas covered by the Convention;

5. *Also requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its fourteenth session on the implementation of the present resolution.

Draft resolution VI
Preventing, combating and punishing trafficking in human organs

The General Assembly,

Recalling its resolution 53/111 of 9 December 1998, by which it established an open-ended intergovernmental ad hoc committee for the purpose of elaborating a comprehensive international convention against transnational organized crime and of discussing the elaboration, as appropriate, of international instruments addressing trafficking in women and children, combating illicit manufacturing of and trafficking in firearms, their parts and components and ammunition, and illegal trafficking in and transporting of migrants, including by sea,

Recalling also its resolution 55/25 of 15 November 2000, in which it adopted the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,

Recalling further its resolution 55/255 of 31 May 2001, in which it adopted the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts, Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,

Concerned about the negative economic and social implications of the activities of organized crime and the possible expansion of such crime, such as trafficking in human organs,

Alarmed at the potential growth of exploitation by criminal groups of human needs, poverty and destitution for the purpose of trafficking in human organs, using violence, coercion and kidnapping, especially kidnapping of children, with a view to exploiting them by means of organ transplant operations,

Noting with concern that trafficking in human organs, wherever it occurs, constitutes a gross violation of the human rights, including the integrity, of its victims,

Convinced of the need to strengthen local, regional and international cooperation in effective prevention and combating of such activities wherever they occur,

Determined to prevent the provision of safe haven to those who participate in or profit from transnational organized crime and to prosecute such persons for the crimes they commit,

Deploring the commercialization of the human body,

1. *Urges* Member States, should they ascertain that such a phenomenon exists in their country, to adopt the necessary measures to prevent, combat and punish the illicit removal of and trafficking in human organs;

2. *Encourages* Member States to exchange experience in and information on preventing, combating and punishing the illicit removal of and trafficking in human organs;

3. *Requests* the Eleventh United Nations Congress on Crime Prevention and Criminal Justice to pay attention to the issue of the illicit removal of and trafficking in human organs;

4. *Requests* the Secretary-General of the United Nations, in collaboration with the States and organizations concerned and subject to the availability of extrabudgetary resources, to prepare a study on the extent of the phenomenon of trafficking in human organs for submission to the Commission on Crime Prevention and Criminal Justice at its fifteenth session.

Draft resolution VII
International cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto

The General Assembly,

Recalling its resolution 55/25 of 15 November 2000, in which it adopted the United Nations Convention against Transnational Organized Crime, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,

Recalling also its resolution 55/255 of 31 May 2001, in which it adopted the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,

Recalling further its resolution 58/135 of 22 December 2003 on international cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,

Reaffirming its deep concern at the impact of transnational organized crime on the political, social and economic stability and development of societies,

Reaffirming that the adoption of the Convention and the Protocols thereto is a significant development in international criminal law and that they constitute important instruments for effective international cooperation against transnational organized crime,

1. *Takes note with appreciation* of the report of the Secretary-General on the United Nations Convention against Transnational Organized Crime and the Protocols thereto;[1]

2. *Welcomes* the entry into force of the United Nations Convention against Transnational Organized Crime, of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, and of the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime;

3. *Commends* the United Nations Office on Drugs and Crime for its work in promoting the ratification of the Convention and the Protocols thereto, including, in particular, the preparation of legislative guides designed to facilitate the ratification and subsequent implementation of those instruments, and invites the Office to finalize the legislative guides and to disseminate them as widely as possible;

[1] E/CN.15/2004/5.

4. *Urges* all States and relevant regional economic integration organizations that have not done so to consider ratifying or acceding to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, as soon as possible;

5. *Urges* all States and relevant regional economic integration organizations to take all necessary measures to improve international cooperation in criminal matters, especially extradition and mutual legal assistance, in accordance with the Convention;

6. *Welcomes* the financial support provided by several donors to promote the entry into force and implementation of the Convention and the Protocols thereto, and encourages Member States to make sufficient voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund, as well as contributions in direct support of activities and projects of the United Nations Office on Drugs and Crime, including through contributions to the institutes of the United Nations Crime Prevention and Criminal Justice Programme network, for the provision of technical assistance to developing countries and countries with economies in transition for the implementation of those international legal instruments;

7. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with the resources necessary to enable it to promote, in an effective manner, the implementation of the Convention and the Protocols thereto and to discharge its functions as the secretariat of the Conference of the Parties in accordance with its mandate;

8. *Requests* the United Nations Office on Drugs and Crime to continue to assist States, upon request, with capacity-building in the area of international cooperation in criminal matters, in particular extradition and mutual legal assistance;

9. *Requests* the Secretary-General to report on the implementation of the present resolution in his report on the work of the United Nations Office on Drugs and Crime to be submitted to the General Assembly at its sixtieth session.

Draft resolution VIII
United Nations African Institute for the Prevention of Crime and the Treatment of Offenders

The General Assembly,

Recalling its resolution 58/139 of 22 December 2003 and all other relevant resolutions,

Taking note of the report of the Secretary-General,[1]

Bearing in mind the urgent need to establish effective crime prevention strategies for Africa, as well as the importance of law enforcement agencies and the judiciary at the regional and subregional levels,

Noting that the financial situation of the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders has greatly affected its capacity to deliver its services to African Member States in an effective and comprehensive manner,

1. *Commends* the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders for its efforts to promote and coordinate regional technical cooperation activities related to crime prevention and criminal justice systems in Africa;

2. *Commends* the Secretary-General for his efforts to mobilize the financial resources necessary to provide the Institute with the core professional staff required to enable it to function effectively in the fulfilment of its mandated obligations;

3. *Reiterates* the need to strengthen further the capacity of the Institute to support national mechanisms for crime prevention and criminal justice in African countries;

4. *Urges* the States members of the Institute to make every possible effort to meet their obligations to the Institute;

5. *Calls upon* all Member States and non-governmental organizations to adopt concrete practical measures to support the Institute in the development of the requisite capacity and to implement its programmes and activities aimed at strengthening crime prevention and criminal justice systems in Africa;

6. *Requests* the Secretary-General to intensify efforts to mobilize all relevant entities of the United Nations system to provide the necessary financial and technical support to the Institute to enable it to fulfil its mandate;

7. *Also requests* the Secretary-General to continue his efforts to mobilize the financial resources necessary to maintain the Institute with the core professional staff required to enable it to function effectively in the fulfilment of its mandated obligations;

8. *Calls upon* the United Nations Crime Prevention and Criminal Justice Programme and the United Nations International Drug Control Programme to work closely with the Institute;

[1] A/59/175.

9. *Requests* the Secretary-General to enhance the promotion of regional cooperation, coordination and collaboration in the fight against crime, especially in its transnational dimension, which cannot be dealt with adequately by national action alone;

10. *Also requests* the Secretary-General to make concrete proposals, including the provision of additional core professional staff, to strengthen the programmes and activities of the Institute and to report to the General Assembly at its sixtieth session on the implementation of the present resolution.

Draft resolution IX
Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity

The General Assembly,

Recalling its resolution 46/152 of 18 December 1991 on the creation of an effective United Nations crime prevention and criminal justice programme, in which it approved the statement of principles and programme of action annexed to that resolution,

Recalling also its resolution 58/140 of 22 December 2003 on strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity,

Bearing in mind the United Nations Millennium Declaration,[1] as well as the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[2] and the plans of action for its implementation,

Emphasizing the role of the United Nations in the field of crime prevention and criminal justice, specifically the reduction of criminality, more efficient and effective law enforcement and administration of justice, respect for human rights and the rule of law and promotion of the highest standards of fairness, humanity and professional conduct,

Recognizing that action against global crime is a common and shared responsibility,

Convinced of the need for closer coordination and cooperation among States in combating crime in all its forms and manifestations, including criminal activities carried out for the purpose of furthering terrorism, and bearing in mind the role that is played by both the United Nations and regional organizations in this respect,

Recognizing existing efforts at the regional level that complement the work of the United Nations Crime Prevention and Criminal Justice Programme in combating corruption, the smuggling of migrants and trafficking in persons, especially women and children, and noting in this context the ongoing work of the Bali and Puebla Processes,[3]

Looking forward to the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, to be held in Bangkok in 2005, which will provide an important opportunity to exchange views and experiences and to identify emerging trends and issues in the field of crime prevention and criminal justice,

Welcoming the entry into force in 2003 of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[4] and in 2004 of the Protocol against the Smuggling of Migrants by Land, Sea and Air,

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[1] Resolution 55/2.

[2] Resolution 55/59, annex.

[3] Most recently the second Regional Ministerial Conference on People Smuggling, Trafficking in Persons and Related Transnational Crime, held in Bali, Indonesia, from 28 to 30 April 2003, and the eighth Regional Conference on Migration, held in Cancún, Mexico, on 29 and 30 May 2003 as part of the Puebla Process.

[4] Resolution 55/25, annex II.

supplementing the United Nations Convention against Transnational Organized Crime,[5]

Welcoming the opening for signature, at the High-level Political Conference, held at Merida, Mexico, in December 2003, of the United Nations Convention against Corruption,[6]

Bearing in mind all its relevant resolutions, in particular those related to the urgent need to strengthen international cooperation and technical assistance in promoting and facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime with its Protocols and the United Nations Convention against Corruption, as well as the universal instruments against terrorism,

Bearing in mind also all the Economic and Social Council resolutions on strengthening international cooperation, technical assistance and advisory services in crime prevention and criminal justice, as well as on strengthening the rule of law and the reform of criminal justice institutions, including in post-conflict reconstruction, the technical cooperation capacity of the Crime Prevention and Criminal Justice Programme of the United Nations Office on Drugs and Crime and on the implementation of technical assistance in Africa by the same Office,

Acknowledging the role of United Nations standards and norms in crime prevention and criminal justice and their development, as reflected in Economic and Social Council resolution 2004/28 of 21 July 2004,

Recalling its relevant resolutions in which it requested the Secretary-General, as a matter of urgency, to provide the United Nations Crime Prevention and Criminal Justice Programme with sufficient resources for the full implementation of its mandate, in conformity with the high priority attached to the Programme,

Aware of the continued increase in requests for technical assistance forwarded to the United Nations Office on Drugs and Crime by least developed countries, developing countries, countries with economies in transition and countries emerging from conflict, and recognizing the need to maintain a balance in its technical cooperation capacity among all priorities identified by the General Assembly and the Economic and Social Council,

Expressing its appreciation for the funding provided by certain Member States, which in recent years has permitted the United Nations Office on Drugs and Crime and the United Nations Interregional Crime and Justice Research Institute and institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other relevant bodies to enhance their capacity to execute an increased number of projects in the field of crime prevention and criminal justice,

1. *Takes note with appreciation* of the report of the Secretary-General on the progress made in the implementation of General Assembly resolution 58/140;[7]

2. *Reaffirms* the importance of the United Nations Crime Prevention and Criminal Justice Programme in promoting effective action to strengthen international cooperation in crime prevention and criminal justice, in responding to

[5] Ibid., annex III.

[6] Resolution 58/4, annex.

[7] A/59/205.

the needs of the international community in the face of both national and transnational criminality and in assisting Member States in achieving the goals of preventing crime within and among States and improving the response to crime;

3. *Reiterates its appreciation* of the work of the Commission on Crime Prevention and Criminal Justice to coordinate international cooperation efforts, and requests that a gender perspective continue to be integrated into all activities of the United Nations Office on Drugs and Crime;

4. *Reaffirms* the importance of the work of the United Nations Office on Drugs and Crime in the fulfilment of its mandate in crime prevention and criminal justice, including to prevent and combat terrorism in coordination with and complementing the work of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism, in particular in strengthening international cooperation and providing technical assistance, upon request;

5. *Reaffirms also* the role of the United Nations Office on Drugs and Crime in providing to Member States, upon request and as a matter of high priority, technical cooperation, advisory services and other forms of assistance in the field of crime prevention and criminal justice, including in the areas of prevention and control of transnational organized crime, corruption and terrorism as well as in the area of reconstruction of national criminal justice systems, and stresses the need to enhance its operational activities to assist, in particular, least developing countries, developing countries, countries with economies in transition and countries emerging from conflict;

6. *Recognizes* the progress made in the implementation of the global programmes addressing the trafficking in human beings, corruption, organized crime and terrorism, and calls upon the Secretary-General to enhance further the visibility of those programmes and to strengthen the United Nations Office on Drugs and Crime by providing it with the resources necessary for the full implementation of its mandate in crime prevention and criminal justice, including the preparation of an updated publication on world crime trends;

7. *Invites* all States to support the operational activities of the United Nations Crime Prevention and Criminal Justice Programme, through voluntary contributions to the United Nations Crime Prevention and Criminal Justice Fund or through voluntary contributions in direct support of such activities, including for the provision of technical assistance for the implementation of the commitments entered into at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, including the measures outlined in the plans of action for the implementation of the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century;[2]

8. *Also invites* all States to support, through voluntary contributions, the activities carried out by the United Nations Interregional Crime and Justice Research Institute and institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other relevant bodies;

9. *Encourages* relevant programmes, funds and organizations of the United Nations system, in particular the United Nations Development Programme, and invites the international financial institutions, in particular the World Bank and regional and national funding agencies, to support the operational activities of the

United Nations Office on Drugs and Crime in the field of crime prevention and criminal justice;

10. *Urges* States and relevant international organizations to develop national, regional and international strategies and other necessary measures to complement the work of the United Nations Crime Prevention and Criminal Justice Programme in addressing effectively the significant problems posed by the smuggling of migrants and trafficking in persons and related criminal activities, such as kidnapping;

11. *Urges* States and funding agencies to review, as appropriate, their funding policies for development assistance and to include a crime prevention and criminal justice component in such assistance;

12. *Welcomes* the efforts undertaken by the Commission on Crime Prevention and Criminal Justice to exercise more vigorously its mandated function of resource mobilization, and calls upon the Commission to strengthen further its activities in this direction;

13. *Notes with appreciation* the outcome of the senior-level discussion during the thirteenth session of the Commission on Crime Prevention and Criminal Justice on progress made with regard to the criminal justice aspects of terrorism and international conventions and protocols related to terrorism;

14. *Expresses its appreciation* to non-governmental organizations and other relevant sectors of civil society for their support for the United Nations Crime Prevention and Criminal Justice Programme;

15. *Invites* relevant entities of the United Nations system, including the United Nations Development Programme as well as the World Bank and other international funding agencies, to increase further their interaction with the United Nations Office on Drugs and Crime in order to benefit from synergies and avoid duplication of effort and to ensure that, as appropriate, activities on crime prevention and criminal justice, including activities related to the prevention of corruption and the promotion of the rule of law, are considered in their sustainable development agenda and that the expertise of the Office is fully utilized;

16. *Requests* the Secretary-General to take all necessary measures to provide adequate support to the Commission on Crime Prevention and Criminal Justice, as the principal policy-making body in this field, in performing its activities, including cooperation and coordination with the institutes of the United Nations Crime Prevention and Criminal Justice Programme network and other relevant bodies;

17. *Urges* all States and regional economic organizations that have not yet done so to ratify or accede to the United Nations Convention against Transnational Organized Crime (Palermo Convention) and the Protocols supplementing the Convention; [8]

18. *Emphasizes* the importance of the expeditious entry into force of the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime, adopted by its resolution 55/255 of 31 May 2001;

[8] See resolutions 55/25 and 55/255.

19. *Welcomes* the voluntary contributions already made, and encourages States to make adequate and regular voluntary contributions for the implementation of the Convention and the Protocols thereto, through the United Nations funding mechanism specifically designed for that purpose in the Convention or in direct support of implementation activities and initiatives;

20. *Urges* all States and competent regional economic integration organizations that have not yet done so to sign, ratify or accede to the United Nations Convention against Corruption;[6]

21. *Requests* the Secretary-General to take all necessary measures and provide adequate support to the United Nations Office on Drugs and Crime so as to enable it to promote the speedy entry into force of the United Nations Convention against Corruption;

22. *Encourages* States to make adequate and regular voluntary contributions for the entry into force of the United Nations Convention against Corruption, through the United Nations funding mechanism specifically designed for that purpose in the Convention or in direct support of implementation activities and initiatives;

23. *Requests* the Secretary-General to submit a report on the implementation of the present resolution to the General Assembly at its sixtieth session.

40. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Reports considered by the General Assembly in connection with the question of crime prevention and criminal justice

The General Assembly takes note of the following reports:

(a) Report of the Secretary-General on preparations for the Eleventh United Nations Congress on Crime Prevention and Criminal Justice (A/59/123-E/2004/90);

(b) Report of the Secretary-General on strengthening international cooperation and technical assistance in preventing and combating terrorism (A/59/187);

(c) Report of the Secretary-General on preventing and combating corrupt practices and transfer of funds of illicit origin and returning such assets to the countries of origin (A/59/203 and Add.1);

(d) Report of the Secretary-General on international cooperation in the fight against transnational organized crime: assistance to States in capacity-building with a view to facilitating the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto (A/59/204);

(e) Note by the Secretary-General transmitting the report of the High-level Political Conference for the Purpose of Signing the United Nations Convention against Corruption, held in Merida, Mexico, from 9 to 11 December 2003 (A/59/77).